

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADHERENCE,
 Plaintiff,

v.

CVS HEALTH CORPORATION, *et al.*,
 Defendants.

Case No. 2:24-cv-01590-JCM-NJK

Order

[Docket No. 49]

Pending before the Court is a stipulation to extend case management deadlines by 60 days. Docket No. 49. The stipulation has numerous holes.

First, the stipulation relies heavily on language in a Ninth Circuit case regarding lenient extension standards, *see, e.g., id.* at 2-3, but that case did not arise in the context of case management deadlines established in a scheduling order, the Ninth Circuit case law specific to this context are more stringent, and courts (including this one) have continued to follow the more stringent case law when requests are made to extend case management deadlines, *see, e.g., Williams v. James River Grp. Inc.*, 627 F. Supp. 3d 1172, 1177 at n.3 (D. Nev. 2022).¹

Second, the stipulation ignores that the Court previously advised the parties that it was not inclined to grant further extensions in this case. Docket No. 45 at 4; *see also id.* at 3 (allowing modification of case management deadlines upon finding the showing “barely nudge[d] across the line”).

¹ The stipulation also indicates that leniency should be provided when the parties seek an extension by agreement. Docket No. 49 at 7. “When a request to extend case management deadlines is made by stipulation, courts may consider the joint nature of the request in deciding whether the circumstances warrant an amendment to the scheduling order. Nonetheless, courts addressing such requests are deciding at bottom whether to modify their own orders, an issue that need not be based necessarily on the promptings of the parties. . . . That a request is made jointly neither mandates allowance of the extension sought nor exempts parties from making the necessary showings to justify that relief. Failure to provide such showings may result in denial of a stipulated request to extend the case management deadlines.” *Williams*, 627 F. Supp. 3d at 1178.

1 Third, the stipulation is based in large part purportedly on the lack of a judicially approved
2 protective order, *see, e.g.*, Docket No. 49 at 2, but the stipulation fails to explain in any meaningful
3 fashion why the parties' agreement on confidentiality is not already binding, *see* Fed. R. Civ. P.
4 29, why judicial approval is needed, or (perhaps most importantly) why the parties have filed
5 nothing on this issue in the intervening 34 days if in fact they require judicial oversight for
6 confidentiality, *cf.* Docket No. 48 at 1 (denying stipulation without prejudice).²

7 Fourth, the stipulation makes repeated reference to the "complex" nature of the case and
8 of the discovery issues, *see, e.g.*, Docket No. 49 at 3, 5, but neither representation is apparent from
9 the record and no explanation is provided in support.

10 Fifth, the stipulation was filed at 4:29 p.m. on May 12, 2025, *see* Docket No. 49 (notice of
11 electronic filing), which is the date of one of the subject deadlines for which extension is sought,
12 *see id.* at 6, but the stipulation fails to explain this late timing, *cf.* Local Rule 26-3 (requiring
13 requests to extend case management deadlines to generally be filed 21 days before the subject
14 deadline(s) for which extension is sought).

15 Accordingly, the stipulation to extend is **DENIED** without prejudice. Any renewed request
16 must provide robust explanation as to each of the above issues and must be filed by May 16, 2025.

17 IT IS SO ORDERED.

18 Dated: May 13, 2025

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21 _____
22 Nancy J. Koppe
23 United States Magistrate Judge
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26 ² The stipulation provides that the parties "continue to negotiate" on a protective order.
27 Docket No. 49 at 2. The Court is, candidly, unclear how that process could possibly take more
28 than a month, particularly when the parties previously agreed to a protective order. One would
also expect much prompter action if the lack of a protective order is truly rendering it impossible
to comply with case management deadlines.